

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LABARBERA and FRANK FINKEL,
Trustees of Local 282 International
Brotherhood of Teamsters Welfare,
Pension, Annuity, Job Training and
Vacation Sick Leave Trust Funds

Plaintiffs,

-against-

UNITED FENCE AND GUARD RAIL CORP.,

Defendant.
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Index No. 08-CV-2026 (JG)(RML)
FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP - 3 2008 ★

BROOKLYN OFFICE

**JUDGMENT AND
PERMANENT INJUNCTION**

This action having been commenced on May 20, 2008, by the filing of a Complaint, and a Summons and Complaint having been served on Defendant UNITED FENCE AND GUARD RAIL CORP. by service upon the Secretary of State on May 23, 2008, and Defendant having failed to appear and answer and Defendant being in default, and Defendant not being an infant, incompetent or in the military of the United States,

NOW, upon application of Avram H. Schreiber, Esq., attorney for Plaintiffs, it is

ORDERED, ADJUDGED AND DECREED that Plaintiffs GARY LABARBERA and FRANK FINKEL, as Trustees of Local 282 International Brotherhood of Teamsters Welfare, Pension, Annuity, Job Training and Vacation/Sick Leave Trust Funds, have judgment against Defendant UNITED FENCE AND GUARD RAIL CORP. in the amount of \$42,565.25, plus costs and disbursements in the sum of \$435.00, totaling \$43,000.25, and that Plaintiffs have execution therefore, and it is further,

ORDERED, ADJUDGED AND DECREED, that Defendant and its agents, directors, officers, successors, heirs and assigns, shall not, for so long as they remain obligated to

contribute to the Plaintiff FUNDS, fail, refuse or neglect to submit required contribution reports and payments in accordance with the rules of the Fund, and it is further,

ORDERED, ADJUDGED AND DECREED, that Defendant's obligation pursuant to this injunction shall remain in force and effect as long as they are signatory to a Collective Bargaining Agreement with Local 282 I.B. of T. and/or are obligated to pay contributions to the Plaintiffs herein pursuant to a Collective Bargaining Agreement, Declaration of Trust or any other obligation to contribute to Plaintiff FUNDS, and it is further,

ORDERED, ADJUDGED AND DECREED, that any and all amounts awarded Plaintiff FUNDS shall be without waiver of or prejudice to the rights of the Trustees of Local 282 I.B. of T. pertaining to the posting of a surety bond or alternate security, and to audit the books and records of Defendant UNITED FENCE AND GUARD RAIL CORP. for all periods, inclusive of the time period encompassed in the Complaint, and/or subject the time period to other means of verification, and to collect any additional contributions, interest, liquidated damages, audit fees and attorneys' fees and costs found to be due and owing for said periods as a result of the audit or other means of verification.

Dated: Brooklyn, New York

August 29, 2008

4:14 p.m.

SO ORDERED AND ADJUDGED

s/John Gleeson

JOHN GLEESON / U.S.D.J.